

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

AVR GROUP, LLC; TRIDENT ASSET
MANAGEMENT, INC.; and MICHAEL
DZIURGOT, individually and on behalf of a
putative class,

Plaintiffs,

vs.

Case No. 1:24-cv-20755-DSL

ALEBRIJE ENTERTAINMENT, LLC; CRAIG
COLE; MATTHEW COLE; GUSTAVO
MONTAUDON; and JOHN DOE NOS. 1–10,

Defendants.

**DEFENDANT CRAIG COLE’S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

Defendant Craig Cole, through undersigned counsel, on an unopposed basis, pursuant to Local Rule 7.1(a)(1)(J) and (2), and in accordance with § 3I(6) of this Court’s CM/ECF Administrative Procedures, moves for an extension of time to respond to the Class Action Complaint (D.E. 1). In support, Mr. Cole states:

1. Before this action was reassigned (*see* D.E. 25), District Judge Kathleen M. Williams entered an Order (D.E. 22) requiring defendants to respond to the Class Action Complaint (either jointly or, after obtaining leave of Court, separately) on or before April 22, 2024.

2. Since then, the Court has granted leave and extensions of time to several defendants. (*See* D.E. 29 (permitting defendant Matthew Cole to separately respond to the Class Action Complaint on or before May 6, 2024); D.E. 30 & 34 (same as to defendants Alebrije Entertainment, LLC and Gustavo Montaudon)).

3. Mr. Cole, a resident of California, was served with a summons and the Class Action

Complaint on May 2, 2024. (*See* D.E. 6). Because he resides outside this jurisdiction, Mr. Cole encountered difficulty in locating and retaining counsel admitted to practice before this Court. In addition, Mr. Cole is undergoing cancer treatment in California, recently suffered a medical emergency, and is recovering from and preparing for additional medical procedures, all of which further affected Mr. Cole's ability to locate and promptly retain an attorney in Florida.

4. Mr. Cole recently retained undersigned counsel to represent him in this action. (*See* D.E. 32). Nevertheless, undersigned counsel's investigation of Plaintiff's claims and the defenses available to Mr. Cole is in its infancy. (*See, e.g.*, D.E. 33 (seeking leave to respond individually to the Class Action Complaint)).¹ We require a brief extension of time (*i.e.*, through and including April 26, 2024) to familiarize ourselves with the Class Action Complaint and to prepare an adequate response thereto on Mr. Cole's behalf.

5. This Motion is brought in good faith and not for any improper purpose, such as to delay this action. No party will be prejudiced by the relief sought herein.

6. Plaintiff does not oppose this Motion.

7. A proposed order granting this Motion is attached hereto as Exhibit 1.

WHEREFORE, defendant Craig Cole respectfully requests that the Court enter an Order granting him an extension of time (through April 26, 2024) to respond to the Class Action Complaint and any other relief the Court deems just and proper.

¹ Mr. Cole's Motion for Leave to File Individual Motion to Dismiss (D.E. 33) remains pending.

Dated: April 22, 2024

Respectfully submitted,

**STUMPHAUZER KOLAYA
NADLER & SLOMAN, PLLC**
2 S. Biscayne Boulevard, Suite 1600
Miami, Florida 33131
Tel.: (305) 614-1400

By: /s/ Francis D. Murray
Ryan K. Stumphauzer (FBN: 12176)
Francis D. Murray (FBN: 108567)
Amy M. Bowers (FBN: 105755)
Email: rstumphauzer@sknlaw.com
fmurray@sknlaw.com
abowers@sknlaw.com

Counsel for Defendant Craig Cole

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

By: /s/ Amy M. Bowers
Amy M. Bowers